Previous references.

Ch 11-90

190

(Contd)

File No. 8 5 of 97

Serial Nos. 1 – 5

Later references.

Ch 62 of 97

– 73-15-9

p. 19

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 – 5

~~Part~~ B. for October 1897

SUBJECT.

Proposals to hold the Nandydrug Criminal Sessions for the whole Division at Bangalore.

Sl. 1. From The Hon: Judge

No. 4046/173 Dt 28-1-97

Requests sanction to the proposal to hold Sessions for the whole of the Nandydrug Division at Bangalore, instead of the present quarterly circuit sessions at Tumkur and Kolar.

2 – To The District Magistrate of Tumkur & Kolar

G. R. S. 58 No. 13344-5/15/3-4 Dt 25-6-97

Forwarded copies of the above to submit remarks on the matter referred therein

From The Dy. Comm^r. Tumkur.
No. 1044 D/17-6-97
Stating that he concurs in the proposal

From The Dy Comm^r. Kolar
No. 5103 D/26-6-97
Submits his opinion as called for.

To The Registrar Hon: Court
The Dy. Comm^rs of Tumkur & Kolar:
Camp No. 10-12 D/2-10-97
Approves of the proposal referred to in sl^r.

J.V.R

Memo. re abolition of Circuit Sessions for the Nandidroog Dt

Letter No 87 dt 10-4-93
(in file A)

SECTION Cls
FILE No. 65-of 96
SER'AL No.

(x Refes not available)

In 1883, the Chief Judge, Mr Plowden, strongly supported the proposal of the then ~~District~~ Sessions Judge that all Sessions cases of the Tumkur District should be tried once a month at Bangalore, and that the bi-monthly Sessions at Tumkur should be discontinued. It appears from the ~~District~~ Sessions Judge's letter that ~~a similar~~ an arrangement similar to that proposed had already been sanctioned for Kolar.

cls 11-90 No. 621/10 dt 10 May 1883. (in file A)

~~Despatch~~, The Govt approved of the proposal.

cls. 11-90 No. 3405/90 dt 14-8-90. (in file A)

2. In 1890, the Offg Chief Judge considered that it was absolutely necessary to establish a District Court at Bangalore, and that (chiefly with a view to avoid ~~existing~~ inconvenience to Officers, parties and witnesses) the ~~Sessions~~ Judge should be directed to try at the respective Head Quarter stations all Sessions cases arising within the Districts of Kolar and Tumkur.

cls 11-90 No. 6046/95 dt 29-8-90. (in file A)

This proposal was likewise approved by Govt.

3. The present reference is the third of its kind, and proposes to go back to the system of ~~holding~~ trying all Sessions cases, once a month, at Bangalore, instead of the present quarterly circuit sessions. The reasons assigned are: (1) absence of

inconvenience to Police officers as witnesses, (2) want of adequate accomodation for under trial prisoners at Tumkur and Kolar, (3) existence of railway communication to Bangalore, (4) speedier disposal of cases and more rapid jail delivery, (5) saving of batta and travelling allowances now paid to Judges, Pub. Prosecutr and officials.

4. The system of holding the sessions at Hassan and Chitaldroog periodically was approved in the Dewan's Letter to the Chief Court C No. 1040 dy 13 Sept 1888. (file marked) cls. 5 - 1887-7

5. No other defects noted in the available in the records.

5/6/97.

Office

Such unfortunate delays in the dispatching of proceedings is not creditable to the office.

7/6/97

Secretary.
There is much to be said in favor of this proposal. 7/6/97.

7/6/97

6. Letter commd the Dy Registrar of Kolar & Tumkur to send the Chiefs letter for info.

7/6/97

9/6/97 Do 10/6/97

7. The Dt Magte of Dumka and Kolar having been consulted on the proposal to try all Sessions Cases of the Wandiwash Dn once every month at Bangalore, the former expresses himself in favour of it for the reason that lock-up accommodation at Dumka is small and Sessions under-trial prisoners have often to be sent to Bangalore at present.

The Kolar Dt Magte has not apparently made up his mind one way or the other. He argues on the one hand that the moral effect of trials at Dt headquarters would be greater and the inconvenience felt by witnesses and other Officers in attending the trial less than in the case of Bangalore; and on the other hand, that the proposed arrangement would enable cases to be disposed of every month and avoid the unavoidable detention of accused persons in Lock-ups. If it is adopted the Dt Magte would strongly recommend the grant of batta to prosecution witnesses "to compensate them for their trouble and inconvenience and to lessen the general unwillingness of people to come forward as witnesses in Sessions Cases."

Submitted to Secy
30/6/97

Secd to Govt
2-7-97 9 am

---

marked I think that the present proposal is such may be approved - Settlement of cases to be fixed beforehand - the only thing that could be urged against the proposed change is the inconvenience that will be caused by the constant withdrawal of Officers from other duty beyond their Dists - but with the facilities of Railway communication & the holding of Sessions for trial of petty cases at Dt Hdqrs fixed as per instructions contained in CC Circular letter No 123 of 17 Dec 1895 the inconvenience apprehended as above asserted to will be obviated as far as possible.

2. 7. 97

Submit Memo.
with the file containing this remarks as to Mr Ivie in Section C. S.No 10
Asst Secy's letter No 2901 of 27 March 97
473

Secd to the Govt of
3-7-97
Cir. Cir.

Forwarded 30/9/97

4

Submit to Councillor
with a draft of
24-9-97

Sub[d] to the Councillor with
draft [illegible] 28/9

1407 I see the Deman
agrees with me as
that by the CCh re-
commend[n] may be
allowed. —

The Secy may
prep the draft order.
Note which considers
is not the Min. Dmd
the undertaking. The
covering letter should
be stated concerning
to a lg and. Sd/
thereon. —

Sd/

28.9.97

(General Serial No. 30.)

1896-97

OFFICE OF THE
6464
30 JAN 97
OF MYSORE.

J 928

From

The Registrar of the
Chief Court of Mysore.

To

The ~~General~~ Secretary
to the Government of Mysore.

(1)

Dated 28/1/97

Despatched 29/1/97

Received 30 —

Enclosures No. 2

General No. 4046

No. 173

Requests that the sanction of Govt. may be obtained to the proposal to hold Sessions for the whole of the Nundydroog Division at Bangalore, instead of the present quarterly circuit Sessions at Tumkur and Kolar.

J. F. 24-96.

J 29-1-97.

Submitted

Are there no pers regarding circuit Sessions? The question is an important one. All

available pers bearing on the subject should be put up as quickly as possible 4

2-2-97

References put up

Sh3. 3/2

SECTION Chs

FILE No. 95 of 96

SERIAL No. 1

Central Jail Press, Bangalore.—18-12-95.—502.

No 4046 Jn: 2
17 3

Bangalore 28th January 1897

From

The Registrar of the
Chief Court of Mysore.

To

The Secretary to the
Government of Mysore

Sir,

I am directed to state that the Sessions Judge Nandydroog Division in his letter no. 1311/236 dated 2nd December 1896 (Copy of which is enclosed) suggests the advisability of holding Sessions for the whole of the Nandydroog Division at Bangalore instead of the present quarterly circuit Sessions at Tumkur and Kolar. The Judges of the Chief Court are in favor of the suggestion for the reasons stated by the Sessions Judge.

2. No inconvenience need be apprehended from Police Officers or witnesses being unduly detained as the provisions of Circular letter

no.

No 123 dated 17th December 1895 (Copy enclosed) are sufficient to guard against any such inconvenience. Further there is sufficient accommodation for under-trial prisoners at Bangalore which is not the case elsewhere - as was very recently experienced at Tumkur - in consequence of which, no less than 20 such prisoners have been sent to Bangalore under the orders of the Inspector General of Prisons to be sent back to Tumkur when the next Sessions are held.

3 I am to request that you will be so good as to obtain the sanction of Government to the above proposal, at an early date.

I have the honor to be,
Sir,
your most Obedient Servant,

M Raja Sastri

for Registrar.

No 1311
236

Banjalane, 2nd December 1896.

Sir.

The Sessions Judge,
Nundidroog Division

To,

The Registrar of the
Chief Court of Mysore.

Sir,

I have the honor to submit for the consideration of the Judges of the Chief Court, the question of the advisability of holding Sessions for the whole of the Nundidroog Division at Banjalane, instead of the present Quarterly Circuit Sessions at Tumkur and Kolar.

2. If I remember rightly, the present system was introduced because the Chittledroog District Magistrate represented the inconvenience arising from the prolonged absence of Police Officers from Head Quarters, and his reasons no doubt applied to the Nagar Division, where

Communication

communication with Shimoga is slow and tedious; but with the Railway running between Tumkur, Kolar and Bangalore, no Officer or witness need be detained more than two days at the utmost; while it is really easier to reach Bangalore from some parts of the Districts than to travel to their Head Quarters.

3 I was forcibly struck with this during the last Kolar Sessions, when I tried five cases Committed by the Sub Division Officer, Chikballapur, and the Special Magistrate, Kolar Gold Fields, the parties and Witnesses in which could more easily have travelled to Bangalore than to Kolar.

4. The principal object to be gained, however, would be the speedy disposal of Sessions Cases, and more rapid "Jail delivery." Under the present system,

accused

accused persons have sometimes to be detained in custody for 3 months before being acquitted and released by the Sessions Court; whereas, with a regular monthly Sessions at Bangalore, no person need be detained pending trial by this Court for more than 3 weeks and if one week be set apart every month for the holding of Sessions for the whole Division, cases could speedily be disposed of to the benefit of all concerned

5. I may also mention that there will be a saving of the Batta and travelling allowances now paid to the Sessions Judge, Public Prosecutor and the Officials who go out to the places where the Circuit Sessions are held though this is of course of minor importance.

6. I do not myself see any difficulty in the way of carrying out this proposition and I therefore submit it for

Consideration

Consideration

Shane Vélez

(Signed) C. Crespo

Supreme Judge

Copy.

Supt Naturalization

Registrar

IN THE CHIEF COURT OF MYSORE.

CRIMINAL SIDE.

Circular Letter No. 123, *dated* 17*th December* 1895.

To

ALL SESSIONS JUDGES AND MAGISTRATES

SIR,

It has been brought to notice that the practice of binding over witnesses in all cases committed to the Sessions to appear on the first day of the Sessions, entails considerable inconvenience. In future, committing Magistrates will bind over the witnesses to appear, not as a matter of course on the first day of the Sessions, but on a convenient day to be fixed in communication with the Sessions Judge, with reference to the number of cases committed. In making the reference to the Sessions Judge, the nature of the offence and the number of witnesses on each side should be reported.

I have the honor to be,

Sir.

Your most obedient servant,

V. A. RAJARATNA MUDALIAR,

Registrar

To.

The District Magistrate

No: 13344 / 1513 Polar. } Encs 3

" 13345 / 1514 Punkur }

dated 15th June 1897.

Sir,

In forwarding the accompanying copies of letter No 4046/173 of 28: January 1897 and of its enclosures, from the Registrar of the Chief Court of Mysore, regarding the advisibility of holding the Sessions for the whole of the Nandidrug division at Bangalore, I have the honor to request that the Dt Magistrate to submit his views on the matter at an early date for the information of Govt.

I have &c.

B. C.

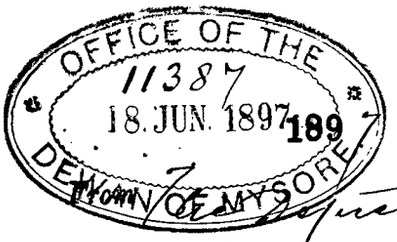
8/6/97

for Secretary.

SECRETARIAT

FILE No. 85 of 96

SERIAL No. 2



J. 1439

9

Deputy Commr.
Tumkur District.

To The Secretary to the
Govt. of Mysore, Genl. &
Revenue Depts. —

Dated 16th June 1897
Despatched 17th June 1897
Received 18/6/97

General No. 1044
No.

Enclosure No.

His docket No. 13345
J. 1514
dated the 15th instant.

—"—

Stating that there
is no objection to the proposal
for holding a monthly
Sessions for the whole
of the Nandidroog —
Division at Bangalore

SECTION C & O
FILE No. 85 of 96
SERIAL No. 3

18/6/97
Refer Dist. up. Dy. C.
19/6/97

No 1044

Tumkúr District
Deputy Commissioner's office
Dated, Tumkúr, 16th June 1897.

To The Secretary to the Government
of Mysore, General and Revenue
Department.

Sir,

In reply to your docket
No. 13345 dated the 15th instant, J 1574
I have the honor to state that I am
in favor of the proposal for hold-
-ing a monthly Sessions for the
whole of the Nundidroog Division
at Bangalore. This will undoubtedly
be of great convenience, so far as
this District is concerned. The
accommodation in the District
Lock-up here is small and for
this reason, prisoners awaiting
their trial before the Sessions Court
have had to be sent to Bangalore.
If a monthly Sessions were held at
Bangalore, this inconvenience
will be avoided

I

I have the honor to be
Sir
Your most obedient Servant

M. Narain Rao

Deputy Commissioner

J 1465

Gen. 31]

OFFICE OF THE DEWAN OF MYSORE
11618
29 JUN 1897

From

The District Magistrate
Kolar District

To

The Secretary to the
Government of Mysore
Revenue and General Depts.

Dated 24th
Despatched 26th } June 1897
Received 29

General No. 5703
No. 1170

Enclosure No.

Expressing his opinion as regards the advisability of holding the Sessions for the whole of the Mundidroog Division at Bangalore.

J 2876/97

Refer put up. DR
30/6/97

14

Deputy Commissioners Office,
Kolar District
Dated 24th June 1897

To The Secretary to the
Government of Mysore
Revenue and Genl Departments
Bangalore.-

Sir,

Adverting to your
Docket No 13344 dated the 15th
Instant, calling for an expression
of opinion as regards the advisa-
bility of holding the Sessions
for the whole of the Sandoor
Division at Bangalore I have
the honor to state that I see
no serious objections to the
Sessions cases belonging to this
District

District being tried at Bangalore.
But at the same time they
to observe, that the moral
effect produced by such
trials in the District is
greater when they are held
at the District Head Quarters
than when held elsewhere
and that the complainants
and witnesses would on the
whole be put to greater in-
convenience if they have to
attend the Sessions at Banga-
lore. It is true that Bangalore
is more accessable from
some parts of this District
than Kolar itself. But the
parties, witnesses and the Pleaders
have generally some business
or other to attend to at the
District Head Quarters and
so

to do not look upon
their journey to Kolar with
the same amount of dis-
favor as they would a trip
to Bangalore. The Police
Assistant Superintendent
and his subordinates will
also not be under the necessity
of leaving the District to the
detriment of other work.
On the other hand cases will
be disposed of every month,
thus saving the unavoidable
detention of accused in
the lockup.—

If the District Judges
proposal be sanctioned
I would strongly recommend
that Batta be granted to
to witnesses for the prosecu-
tion in every case so as
to compensate them as
much

much as possible for
their trouble and incon-
venience and in order to
lessen the general unwillingness
of people to come forward
as witnesses in Session's
cases.-

I have the honorable,
Sir,
Your most obedient
Servant

Adam Cunningham
District Fiscal

Lush

(6)

C No 10-12 & 2-10-97

Read -

Letter No 4046/173 dated 28 January 1897 from the Registrar of the Chief Court of Mysore requesting the sanction of Govt to the proposed holding of the Nandidrug Sessions for the whole Division at Bangalore -

(Brief in extenso
1. Letter of the Registrar
2. Letter of the Sessions Judge)

(2) Letter No 1044 & 16 June 1897 from the Dy Commr Tumkur dt stating that the course suggested would be of great convenience to parties as the Kolar Dist is comparatively near Bangalore the accommodation in the D. Lock up is so small as to necessitate undertrial prisoners being sent to Bangalore -

(3) Letter No 503/170 & 24 June 1897 from the Dy Commr Kolar dt stating that by adopting the course suggested cases will be disposed of every month there saving the unavoidable detention of accused in the Lockup, and that he sees no serious objections

Order -

The recommendation of the Chief Court in favour of the proposal to hold the Nandidrug Sessions for the whole Division at Bangalore is approved.

29-9-97

Secretary

To
The Registrar, Chief Court of Mysore
Deputy Commr Tumkur
Kolar Dist

Please make a clear draft
Rectangular seal.
S/P
30/9/97

SECTION ...
FILE No. 45 of 96.
SERIAL No. 5

(x) Cases of the Kolar Dist being tried at Bangalore; but observing that the usual effect of trials at Hd Qrs would be greater when held at Hd Qrs than elsewhere, that parties, witnesses & the Police have some business or other to attend to at the Hd Qrs & so would not look upon their journey to Kolar with disfavour; and recommending in case the proposal of the Dist Judge is sanctioned the grant of batta to witnesses for prosecution in every case

Read

Proceedings of the Government of Mysore, Judicial, dated 2nd October 1897.

READ:—

Letter No. 4046—173, dated 28th January 1897, from the Registrar of the Chief Court of Mysore, requesting the sanction of Government to the proposed holding of the Nundydroog Sessions for the whole division at Bangalore:—

I am directed to state that the Sessions Judge, Nundydroog division, in his letter No. 1311—236, dated 2nd December 1896, (copy of which is enclosed) suggests the advisability of holding sessions for the whole of the Nundydroog division at Bangalore, instead of the present quarterly circuit sessions at Tumkur and Kolar. The Judges of the Chief Court are in favor of the suggestion for the reasons stated by the Sessions Judge.

2. No inconvenience need be apprehended from Police Officers or witnesses being unduly detained as the provisions of circular letter No. 123, dated 17th December 1895 (copy enclosed), are sufficient to guard against any such inconvenience. Further, there is sufficient accommodation for under-trial prisoners at Bangalore, which is not the case elsewhere—as was very recently experienced at Tumkur—in consequence of which, no less than 20 such prisoners have been sent to Bangalore under the orders of the Inspector General of Prisons, to be sent back to Tumkur when the next sessions are held.

3. I am to request that you will be so good as to obtain the sanction of Government to the above proposal at an early date.

ENCLOSURE.

Letter No. 1311—236, dated 2nd December 1896, from the Sessions Judge, Nundydroog division, to the Registrar of the Chief Court of Mysore:—

I have the honor to submit for the consideration of the Judges of the Chief Court, the question of the advisability of holding sessions for the whole of the Nundydroog division at Bangalore, instead of the present quarterly circuit sessions at Tumkur and Kolar.

2. If I remember rightly, the present system was introduced, because the Chitaldrug District Magistrate represented the inconvenience arising from the prolonged absence of Police Officers from head-quarters. and his reasons no doubt applied to the Nagar division, where communication with Shimoga is slow and tedious; but with the railway running between Tumkur, Kolar and Bangalore, no officer or witness need be detained more than two days at the utmost; while it is really easier to reach Bangalore from some parts of the districts than to travel to their head-quarters.

3. I was forcibly struck with this during the last Kolar sessions, when I tried five cases committed by the Sub-Division Officer, Chikballapur, and the Special Magistrate, Kolar Gold Fields, the parties and witnesses in which could more easily have travelled to Bangalore than to Kolar.

4. The principal object to be gained, however, would be the speedy disposal of sessions cases, and more rapid 'Jail delivery.' Under the present system, accused persons have sometimes to be detained in custody for three months before being acquitted and released by the Sessions Court; whereas, with a regular monthly sessions at Bangalore, no person need be detained pending trial by this court for more than three weeks, and if one week be set apart every month for the holding of sessions for the whole division, cases could speedily be disposed of to the benefit of all concerned.

5. I may also mention that there will be a saving of the batta and travelling allowances now paid to the Sessions Judge, Public Prosecutor and the officials who go out to the places where the circuit sessions are held, though this is, of course, of minor importance.

6. I do not myself see any difficulty in the way of carrying out this proposition, and I therefore submit it for consideration.

(2) Letter No. 1044, dated 16th June 1897, from the Deputy Commissioner, Tumkur district, stating that the course suggested will be of great convenience, so far as the Tumkur district is concerned, and that the accommodation in the District lock-up at Tumkur is so small as to necessitate under-trial prisoners being sent to Bangalore.

(3) Letter No. 5103—1170, dated 24th June 1897, from the Deputy Commissioner, Kolar district, stating that by adopting the course suggested, cases will be disposed of every month, thus saving the unavoidable detention of accused in the lock-up, and that he sees no serious objections to the cases of the Kolar district being tried at Bangalore: but observing that the moral effect of trials would be greater when held at the District head-quarters than elsewhere, and that parties, witnesses and the Police have some business or other to attend to at the District head-quarters and so would not look upon the journey to Kolar with disfavor; and recommending, in case the proposal of the District Judge is sanctioned, the grant of batta to witnesses for prosecution in every case.

No. C. 10—12, DATED, CAMP MYSORE, 2ND OCTOBER 1897.

ORDER THEREON.—The recommendation of the Chief Court in favor of the proposal to hold the Nundydroog Criminal Sessions for the whole division at Bangalore, is approved.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Registrar of the Chief Court of Mysore.
The Deputy Commissioner, Tumkur District.
The Deputy Commissioner, Kolar District.

Exd.—H.A.R.

1897-98

GOVERNMENT OF MYSORE

JUDICIAL

PROCEEDINGS

Dated 2nd October 1897

Camp No. 10—12

Approving of the proposal to hold the Nundydroog Criminal Sessions for the whole division at Bangalore.

M.G. C.P.B.—2-11-97—120